

## NOTICE OF INTENT

Department of Environmental Quality  
Office of the Secretary  
Legal Affairs Division

National Source Tracking System  
(LAC 33:XV.102, 361, and 399) (RP044ft)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Radiation Protection regulations, LAC 33:XV.102, 361, and 399 (Log #RP044ft).

This proposed rule is identical to federal regulations found in 10 CFR Parts 20 and 32, which are applicable in Louisiana. For more information regarding the federal requirement, contact the Regulation Development Section at (225) 219-3550 or Box 4302, Baton Rouge, LA 70821-4302. No fiscal or economic impact will result from the proposed rule; therefore, the rule will be promulgated in accordance with R.S. 49:953(F)(3) and (4).

This rule will update the state radiation regulations to coincide with changes in the federal regulations as required by the Agreement State program. Amendments to 10 CFR Parts 20 and 32 implement the National Source Tracking System (NSTS). As an Agreement State, Louisiana has licensees that are authorized to manufacture sources subject to tracking in the NSTS. Louisiana needs to implement the appropriate actions in the time frame mandated by the Nuclear Regulatory Commission for the tracking of sources. The basis and rationale for this rule are to mirror the federal regulations and maintain an adequate Agreement State program.

This proposed rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

A public hearing will be held on May 30, 2007, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Judith A. Schuerman, Ph.D., at the address given below or at (225) 219-3550. Parking in the Galvez Garage is free with a validated parking ticket.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by RP044ft. Such comments must be received no later than May 30, 2007, at 4:30 p.m., and should be sent to Judith A. Schuerman, Ph.D., Office of the Secretary, Legal Affairs Division, Box

4302, Baton Rouge, LA 70821-4302 or to FAX (225) 219-3582 or by e-mail to [judith.schuerman@la.gov](mailto:judith.schuerman@la.gov). The comment period for this rule ends on the same date as the public hearing. Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of RP044ft. This regulation is available on the Internet at [www.deq.louisiana.gov/portal/tabid/1669/default.aspx](http://www.deq.louisiana.gov/portal/tabid/1669/default.aspx).

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 645 N. Lotus Drive, Suite C, Mandeville, LA 70471.

Herman Robinson, CPM  
Executive Counsel

## Title 33 ENVIRONMENTAL QUALITY

### Part XV. Radiation Protection

#### Chapter 1. General Provisions

##### §102. Definitions and Abbreviations

As used in these regulations, these terms have the definitions set forth below. Additional definitions used only in a certain chapter may be found in that chapter.

\* \* \*

*Nationally Tracked Source*—a sealed source containing a quantity equal to or greater than the Category 1 or Category 2 levels of any radioactive material listed in LAC 33:XV.399.Appendix G. In this context a sealed source is defined as radioactive material that is sealed in a capsule or closely bonded, in a solid form, and that is not exempt from regulatory control. It does not mean material encapsulated solely for disposal, or nuclear material contained in any fuel assembly, subassembly, fuel rod, or fuel pellet. Category 1 *nationally tracked sources* are those containing radioactive material at a quantity equal to or greater than the Category 1 threshold. Category 2 *nationally tracked sources* are those containing radioactive material at a quantity equal to or greater than the Category 2 threshold but less than the Category 1 threshold.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), LR 19:1421 (November 1993), LR 20:650 (June 1994), LR 22:967 (October 1996), LR 24:2089 (November 1998), repromulgated LR 24:2242 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2563 (November 2000), LR 26:2767 (December 2000), LR 30:1171, 1188 (June 2004), amended by the Office of Environmental Assessment, LR 31:44 (January 2005), LR 31:1064 (May 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:811 (May 2006), LR 32:1853 (October 2006), LR 33:\*\*.

#### Chapter 3. Licensing of Radioactive Material

##### Subchapter D. Specific Licenses

##### §361. Registration of Product Information

A. – F.2. ...

G. *Serialization of Nationally Tracked Sources.* Each licensee who manufactures a nationally tracked source after February 6, 2007, shall assign a unique serial number to each nationally tracked source. Serial numbers must be composed only of alpha-numeric characters.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et

seq.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, LR 31:45 (January 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2528 (October 2005), LR 33:\*\*.

### Subchapter Z. Appendices

#### §399. Schedules A and B, and Appendices A, B, C, D, E, ~~and F~~, and G

Schedule A. – Appendix F, C.5. ...

### Appendix G

#### Nationally Tracked Source Thresholds

The terabecquerel (TBq) values given in this table are the regulatory standard. The curie (Ci) values specified are obtained by converting the TBq value. The Ci values are provided for practical usefulness only and are rounded after conversion.

<u>Nationally Tracked Source Thresholds</u>				
<u>Radioactive Material</u>	<u>Category 1</u>		<u>Category 2</u>	
	<u>TBq</u>	<u>Ci</u>	<u>TBq</u>	<u>Ci</u>
<u>Actinium-227</u>	<u>20</u>	<u>540</u>	<u>0.2</u>	<u>5.4</u>
<u>Americium-241</u>	<u>60</u>	<u>1,600</u>	<u>0.6</u>	<u>16</u>
<u>Americium-241/Be</u>	<u>60</u>	<u>1,600</u>	<u>0.6</u>	<u>16</u>
<u>Californium-252</u>	<u>20</u>	<u>540</u>	<u>0.2</u>	<u>5.4</u>
<u>Cobalt-60</u>	<u>30</u>	<u>810</u>	<u>0.3</u>	<u>8.1</u>
<u>Curium-244</u>	<u>50</u>	<u>1,400</u>	<u>0.5</u>	<u>14</u>
<u>Cesium-137</u>	<u>100</u>	<u>2,700</u>	<u>1</u>	<u>27</u>
<u>Gadolinium-153</u>	<u>1,000</u>	<u>27,000</u>	<u>10</u>	<u>270</u>
<u>Iridium-192</u>	<u>80</u>	<u>2,200</u>	<u>0.8</u>	<u>22</u>
<u>Plutonium-238</u>	<u>60</u>	<u>1,600</u>	<u>0.6</u>	<u>16</u>
<u>Plutonium-239/Be</u>	<u>60</u>	<u>1,600</u>	<u>0.6</u>	<u>16</u>
<u>Polonium-210</u>	<u>60</u>	<u>1,600</u>	<u>0.6</u>	<u>16</u>
<u>Promethium-147</u>	<u>40,000</u>	<u>1,100,000</u>	<u>400</u>	<u>11,000</u>
<u>Radium-226</u>	<u>40</u>	<u>1,100</u>	<u>0.4</u>	<u>11</u>
<u>Selenium-75</u>	<u>200</u>	<u>5,400</u>	<u>2</u>	<u>54</u>
<u>Strontium-90</u>	<u>1,000</u>	<u>27,000</u>	<u>10</u>	<u>270</u>
<u>Thorium-228</u>	<u>20</u>	<u>540</u>	<u>0.2</u>	<u>5.4</u>
<u>Thorium-229</u>	<u>20</u>	<u>540</u>	<u>0.2</u>	<u>5.4</u>
<u>Thulium-170</u>	<u>20,000</u>	<u>540,000</u>	<u>200</u>	<u>5,400</u>
<u>Ytterbium-169</u>	<u>300</u>	<u>8,100</u>	<u>3</u>	<u>81</u>

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), LR 20:180 (February 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2574 (November 2000), LR 27:1228 (August 2001), amended by the Office of Environmental Assessment, LR 31:46 (January 2005), LR 31:1580 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2528 (October 2005), LR 32:820 (May 2006), LR 32:1853 (October 2006), LR 33:\*\*.